

Bedford Hills, New York
August 20, 2013

The second meeting for the month of August of the Town Board of the Town of Bedford was held on August 20, 2013 at the Town House, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 8:00 P.M. by Supervisor Roberts.

Present: Lee V. A. Roberts : Supervisor
Peter Chryssos : Councilman
Francis T. Corcoran : Councilman
Chris Burdick : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Jeffrey Osterman : Director of Planning
William Heidepriem : Superintendent of Recreation & Parks
Kevin Winn : Commissioner of Public Works
Ed Ritter : Town Comptroller
William Hayes : Chief of Police
Amy Pectol : Receiver of Taxes

Absent: David Gabrielson : Councilman

And ten (10) residents/observers.

APPROVAL OF CLAIMS

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED, that the following claims for 2013 be allowed for payment from their respective funds,

	2013
Paid Prior to Audit	\$ 36,664.90
Highway Fund	112,353.88
Consolidated Water District	19,951.58
Cedar Downs Water District	355.00
Farms Water District	235.75
Old Post Road Water District	150.73
Drug Abuse	625.00
Energy	847.40
Special Districts:	
Bedford Village Memorial Park	1,866.05
Bedford Hills Memorial Park	2,925.05
Katonah Memorial Park	769.37
Capital Projects	23,065.00
	<u>\$ 199,809.71</u>

MONTHLY REPORTS

Mrs. Roberts advised that the departmental monthly reports were available for review during regular business hours in the Offices of the Town Clerk and the Supervisor as well as on the Town of Bedford website.

DEPARTMENTS

1. Approve rate schedule increase for purposes of notification of the residents of the Consolidated Water District.

On a motion by Mr. Chryssos, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None

Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the water rate schedule increase for the purposes of notification of the residents of the Bedford Consolidated Water District as follows:

5/8" and 3/4" Meters (Typical Residential Meters)

Current		Proposed	
0-10,000 Gallons (\$)	\$ 45.26	0-5,000 Gallons (\$)	\$25.00
10,001-20,000 (\$ per thousand gallons)	\$ 4.62	5,001-9,000 (per thousand gallons)	\$ 5.00
20,001-30,000 (\$ per thousand gallons)	\$ 5.36	9,001-15,000 (per thousand gallons)	\$ 6.00
30,001+ (per thousand gallons)	\$ 6.09	15,001-33,000 (per thousand gallons)	\$ 7.50
		33,001+ (per thousand gallons)	\$ 9.00

1" Meters (Large Residential or Small Commercial)

Current		Proposed	
0-10,000 Gallons (\$)	\$45.26	0-5,000 Gallons (\$)	\$31.00
10,001-20,000 (per thousand gallons)	\$ 4.62	5,001-12,000 (per thousand gallons)	\$ 6.20
20,001-30,000 (per thousand gallons)	\$ 5.36	12,001-22,000 (per thousand gallons)	\$ 7.44
30,001+ (per thousand gallons)	\$ 6.09	22,001-85,000 (per thousand gallons)	\$ 8.56
		85,001+ (per thousand gallons)	\$ 9.84

1 1/2" Meters (Medium Commercial)

Current		Proposed	
0-10,000 Gallons (\$)	\$ 45.26	0-10,000 Gallons (\$)	\$62.00
10,001-20,000 (per thousand gallons)	\$ 4.62	10,001-21,000 (per thousand gallons)	\$ 6.20
20,001-30,000 (per thousand gallons)	\$ 5.36	21,001-56,000 (per thousand gallons)	\$ 7.44
30,001+ (per thousand gallons)	\$ 6.09	56,001-143,000 (per thousand gallons)	\$ 9.30
		143,001+ (per thousand gallons)	\$11.16

2", 3", and 4" Meters (Large Commercial)

Current		Proposed	
0-10,000 Gallons (\$)	\$45.26	0-15,000 Gallons (\$)	\$93.00
10,001-20,000 (per thousand gallons)	\$ 4.62	15,001-40,000 (per thousand gallons)	\$ 6.20
20,001-30,000 (per thousand gallons)	\$ 5.36	40,001-120,000 (per thousand gallons)	\$ 7.44
30,001+ (per thousand gallons)	\$ 6.09	120,001-329,000 (per thousand gallons)	\$ 9.30
		329,000+ (per thousand gallons)	\$11.16

2. Recommendation of low bidder for Valley Road Sidewalk Improvement Project.
On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby award the contract for the Valley Road Sidewalk Improvement Project to the lowest, most responsible bidder, Con-Tech Construction Technology, Inc., 28 Lakeview Drive, Yorktown Heights, New York in the amount of \$664,961.00 subject to the receipt and approval of bonds and insurance and the approval of the New York State Department of Transportation, as per the memorandum dated August 15, 2013 from James J. Hahn, Town Consulting Engineer.

3. Discuss joining RFP for Reassessment Monitor.
On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick

Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve joining in for the Request for Proposal for a Reassessment Monitor to make sure that all laws and procedures are properly followed for the Municipal Reassessment Consortium.

CORRESPONDENCE

1. Request from Chabad of Bedford Hills to hold annual Sukkah Party on Sunday, September 22nd in Parking Lot 7.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the request of Chabad of Bedford Hills to use Commuter Lot 7, on Railroad Avenue in Bedford Hills, as overflow space for parking for their celebration of the Sukkah on Sunday, September 22, 2013 from 11am to 2pm, said event requires no assistance from the Police and Department of Public Works, and subject to the receipt of a signed Hold Harmless agreement and Certificate of Insurance naming the Town of Bedford as an additional insured.

2. County Executive announcement of September 11th Memorial Ceremony and request for volunteers for activities taking place between September 3rd to 11th.

Mr. Chryssos read a letter dated August 16, 2013 from Westchester County Executive Robert P. Astorino advising of the September 11th Memorial Ceremony to be held at the Kensico Dam Plaza in Valhalla at 7:00 pm on Wednesday, September 11th. The letter also noted that there were volunteer opportunities related to the event beginning September 3rd and going until 11th.

NEW BUSINESS

1. Set time limit for Public Comment at 5 minutes.

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby establish a five (5) minute time limit for speakers during the Public Comment period of each Town Board meeting.

2. Emergency declaration to replace generator at Police Station.

On a motion by Mr. Corcoran, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

WHEREAS, the Town of Bedford Police Department has a standby emergency generator which has not been properly operating and is in need of immediate replacement in order to address possible emergencies in the Town such as occurred during Hurricane Sandy last fall; and

WHEREAS, Section 103, Subdivision 4 of the General Municipal Law of the State of New York allows the Town of Bedford to waive competitive bidding requirements for the purchase of equipment when there is a genuine emergency, THEREFORE IT IS

RESOLVED, that the Town of Bedford pursuant to the provisions of General Municipal Law Section 103 Subdivision 4 hereby declares that an emergency exists insofar as the necessity for a new generator for the Police Station is concerned and it is further

RESOLVED, that the Town may proceed to purchase such generator without the requirements of competitive bidding.

3. Set Public Hearing for amendment of Town Code concerning road openings.
This matter has been tabled at this time for further review and discussion.

4. Set date for Water Filtration Plant Dedication and Open House.
The Town Board set a date of Saturday, October 5, 2013 from 10:00 am to 12:00 pm for the dedication of the Water Filtration Plant and an open house at the facility located on Route 35 in Katonah.

5. Executive Session – Certioraris and Discussion of Contracts.
On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was
ADOPTED
Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board shall discuss certioraris and contract in an executive session to be conducted at the conclusion of the regular meeting.

There being no further discussion the Town Board adjourned to executive session at 8:45 pm.

Lisbeth Fumagalli, Town Clerk

Minutes of Executive Session
Town Board of the Town of Bedford
August 20, 2013

On August 20, 2013 at 9:15 p.m., the Town Board unanimously voted to go to Executive Session in order to discuss litigation and purchase of certain property by the Town where the cost is a factor.

Attending the Executive Session were Supervisor Roberts, Town Councilpersons Burdick, Corcoran and Chryssos. Also attending was Town Attorney Joel Sachs.

At the outset of the meeting, Town Attorney Joel Sachs was appointed Acting Deputy Town Clerk.

There followed a discussion among the Town Board members with Town Assessor Girdlestone in regard to the possible settlement of certain tax certiorari proceedings involving L Mark Properties Ltd. and Terminal Ventures Inc. No decisions were made and no votes were taken. Assessor Girdlestone then left the room.

There then followed a discussion by Bill Heidepriem with members of the Town Board in regard to playground equipment bid results at the Bedford Village Memorial Park. Mr. Heidepriem submitted certain documentation to the Town Board. No decisions were made and no votes were taken.

At approximately 9:45 p.m., the Town Board returned to public session. At the public session, Councilman Chryssos moved and Councilman Corcoran seconded that settlement be entered into by the Town of Bedford in regard to the following tax certiorari proceedings: L Mark Properties Ltd. (72 Guard Hill Road). The 2011 assessment is to be reduced from \$765,600.00 to \$656,385.00. The 2012 assessment is to be reduced from \$765,000.00 to \$650,850.00. All members of the Town Board present unanimously voted to accept the settlement as recommended by the Town Assessor and Town Attorneys' Office.

On a motion by Mr. Chryssos, seconded by Mr. Corcoran, the following resolution was
ADOPTED
Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the tax certiorari settlement between the Town of Bedford and L Mark Properties Ltd. (72 Guard Hill Road), shown and designated on Town Tax Maps as Section 72.17 Block 1 Lot 1.2 for tax years 2011 and 2012 as follows:

Assessment		Revised	Amount of
<u>Year</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>
2011	\$765,600.00	\$656,385.00	\$109,215.00
2012	\$765600.00	\$656,850.00	\$108,750.00

Councilman Chryssos and Councilman Corcoran seconded that the tax certiorari proceeding brought by Terminal Ventures Inc. in regard to the property located at 312 Chestnut Ridge Road, Bedford Corners be settled by a reduction in the assessed valuation for the calendar year 2012 by reducing the assessment from \$148,800.00 to \$119,560.00. All members of the Town Board present unanimously voted to accept the settlement as recommended by the Town Assessor and Town Attorney's Office.

On a motion by Mr. Chryssos, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby approve the tax certiorari settlement between the Town of Bedford and Terminal Ventures, Inc., for property located at 312 Chestnut Ridge Road, shown and designated on Town Tax Maps as Section 94.11 Block 3 Lot 2 for tax year 2012 as follows:

Assessment		Revised	Amount of
<u>Year</u>	<u>Assessment</u>	<u>Assessment</u>	<u>Reduction</u>
2012	\$148,800.00	\$119,560.00	\$29,240.00

Thereafter, Councilman Burdick moved and Councilman Corcoran seconded the award of certain bids for playground equipment at the Bedford Village Memorial Park. The Town Board voted thereupon unanimously voted to award the playground equipment for both the younger and older children to Miracle Equipment for a total of \$123,474.63 as the lowest responsible bidder. In doing so, the Town determined that the lower bidders, namely Kompan and Gametime submitted bids on equipment that were not responsive to the equipment which the Town had described in its bid documents. Thus, the lowest responsible bidder whose playground equipment was responsive to the requested playground equipment was Miracle Equipment.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby award the bid for the playground equipment in the Bedford Village Memorial Park for the younger and older children to the lowest, most responsible bidder, Pettinelli Recreation Inc. (Miracle Play Equipment) of Burlington, Vermont, in the amount of \$95,844.63 for the equipment and \$27,630.00 for the installation, totaling \$123,474.63, said funding for this project to be appropriated from the General Parks Maintenance – Capital Fund, as per the memorandum dated August 15, 2013 from William Heidepriem, Superintendent of Recreation and Parks.

The Board then unanimously voted to award the Log Crawl Tunnel, the Mushroom Steppers and the Long Stepper Stumps to Gametime at a cost of \$5,938.00, \$1,547.93 and \$1,909.00 respectively. The Log Balance Beam was awarded to Barbato Nursery at a cost of \$3,291.75. The Rock Climber was awarded to Miracle Equipment at a cost of \$25,449.00.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick

August 20, 2013 – Regular meeting - continued

Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby award the bids for playground equipment as listed to the lowest, most responsible bidders:

Marturano Co. – Log Crawl Tunnel - \$5,938.00)

Mushroom Steppers - \$1,547.93) installation to be done by Town staff

Log Stepper Stumps - \$1,999.06)

Barbato Nursery Co. - \$3,291.75 – Log Balance Beam - equipment to be installed by Town staff.

Pettinelli Recreation Inc. – Rock Climber - \$21,199.00 plus installation in the amount of \$4,250.00 for a total of \$25,449.00.

With the funding for this project to be appropriated from General Parks Maintenance – Capital Fund as per the memorandum dated August 15, 2013 from William Heidepriem, Superintendent of Recreation and Parks.

There being no further business before the Town Board, the Town Board adjourned its public session at approximately 10:00 p.m.

Respectfully submitted,

Joel H. Sachs, Acting Deputy Town Clerk